

2013 DRAFTING REQUEST

Bill

Received: 7/17/2013 Received By: **rchampag**
Wanted: **Soon** Same as LRB:
For: **Sandy Pasch (608) 266-7671** By/Representing: **Fred**
May Contact: Drafter: **rchampag**
Subject: **Legislature - miscellaneous** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Pasch@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Racial Impact Statements on Legislation

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 7/23/2013	scalvin 7/23/2013	jfrantze 7/23/2013	_____			
/1	rchampag 7/25/2013			_____	srose 7/23/2013		State
/2		scalvin 7/25/2013	rschluet 7/25/2013	_____	lparisi 7/25/2013	lparisi 1/24/2014	State

FE Sent For:

@
INTRO

<END>

2013 DRAFTING REQUEST

Bill

Received: **7/17/2013**

Received By: **rchampag**

Wanted: **Soon**

Same as LRB:

For: **Sandy Pasch (608) 266-7671**

By/Representing: **Fred**

May Contact:

Drafter: **rchampag**

Subject: **Legislature - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pasch@legis.wisconsin.gov**

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Racial Impact Statements on Legislation

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 7/23/2013	scalvin 7/23/2013	jfrantze 7/23/2013	_____			
/1	rchampag 7/25/2013			_____	srose 7/23/2013		State
/2		scalvin 7/25/2013	rschluet 7/25/2013	_____	lparisi 7/25/2013		State

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **7/17/2013** Received By: **rchampag**
 Wanted: **Soon** Same as LRB:
 For: **Sandy Pasch (608) 266-7671** By/Representing: **Fred**
 May Contact: Drafter: **rchampag**
 Subject: **Legislature - miscellaneous** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Pasch@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given


Topic:

Racial Impact Statements on Legislation

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 7/23/2013	scalvin 7/23/2013	jfrantze 7/23/2013	_____			
/1		1/2 sac 07/25/2013	 7/23/13	56 _____	srose 7/23/2013		State

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 7/17/2013

Received By: **rchampag**

Wanted: **Soon**

Same as LRB:

For: **Sandy Pasch (608) 266-7671**

By/Representing: **Fred**

May Contact:

Drafter: **rchampag**

Subject: **Legislature - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pasch@legis.wisconsin.gov**

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

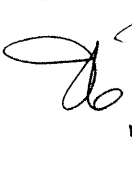
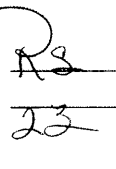
Topic:

Racial Impact Statements on Legislation ✓

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag	/1 SAC 07/23/2013					

FE Sent For:

<END>

Miller, Steve

From: Ludwig, Frederic
Sent: Wednesday, July 17, 2013 12:07 PM
To: Miller, Steve
Subject: drafting request

Hi Steve,

We'd like to request a bill draft that requires racial impact statements for proposed legislation that creates a new offense, significantly changes an offense, modifies the penalty for a criminal offense, or changes existing sentencing, probation, or parole procedures. This is similar to 2013 SB 1093 in Arkansas (<http://openstates.org/ar/bills/2013/SB1093/>)

Whoever this goes to, would be open to thoughts re: who is responsible with performing it, or if that is just left open ended for now.

Thanks, and let me know if you need any info before passing along.

Fred

--
FRED LUDWIG
OFFICE OF STATE REPRESENTATIVE SANDY PASCH
ASSISTANT DEMOCRATIC LEADER
119 North, State Capitol
608.266.7671 *o*
888.534.0022 *tf*
608.282.3622 *f*

1 State of Arkansas

As Engrossed: S3/28/13

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 1093

4
5 By: Senator Elliott

6 By: Representatives H. Wilkins, Love
7

For An Act To Be Entitled

8
9 AN ACT TO REQUIRE THE PREPARATION OF A RACIAL IMPACT
10 STATEMENT FOR CERTAIN BILLS FILED WITH THE SENATE AND
11 HOUSE OF REPRESENTATIVES; AND FOR OTHER PURPOSES.
12
13

Subtitle

14
15 TO REQUIRE THE PREPARATION OF A RACIAL
16 IMPACT STATEMENT FOR CERTAIN BILLS FILED
17 WITH THE SENATE AND HOUSE OF
18 REPRESENTATIVES.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 10, Chapter 2, Subchapter 1 is amended
24 to add an additional section to read as follows:

25 10-2-132. Racial impact statement.

26 (a)(1) A racial impact statement shall be prepared as provided in this
27 section for any bill filed in the Senate or House of Representatives that
28 will:

29 (A) Create a new offense;

30 (B) Significantly change an existing offense;

31 (C) Change the penalty for an existing offense; or

32 (D) Change existing sentencing, parole, or probation

33 procedures.

34 (2) A racial impact statement shall be prepared and filed with
35 the chair of the committee to which the bill is referred before the bill is
36 heard in the committee during a regular, fiscal, or special session of the



1 General Assembly.

2 (3) If a bill requiring a racial impact statement is amended, a
3 revised racial impact statement shall be prepared for the bill.

4 (b)(1)(A) Except as provided in subdivision (b)(1)(B) of this section,
5 the Office of Economic and Tax Policy, with the assistance of the Department
6 of Criminal Justice at the University of Arkansas at Little Rock, shall
7 prepare the racial impact statement required by this section.

8 (B) The Office of Economic and Tax Policy, with the
9 assistance of the Arkansas Coalition for Juvenile Justice and the Department
10 of Criminal Justice at the University of Arkansas at Little Rock, shall
11 prepare a racial impact statement for a bill under subdivision (a)(1) of this
12 section that has an impact on minors.

13 (2) The racial impact statement shall include without
14 limitation:

15 (A) The estimated number of criminal cases per year that
16 the bill will affect;

17 (B) The impact of the bill on a minority as defined in §
18 1-2-503;

19 (C) The impact of the bill upon correctional facilities
20 and services; and

21 (D) Other matters deemed relevant to the bill at issue.

22 (c)(1)(A) If a racial impact statement indicates a disparate impact on
23 a minority as defined in § 1-2-503, the sponsor of the bill shall consider
24 whether the bill may be amended to achieve its purpose with a lessened impact
25 on minorities.

26 (B) If a bill is amended to lessen its impact on
27 minorities the sponsor of the bill shall identify in writing, in the bill and
28 the racial impact statement, the methodology used to lessen the impact on
29 minorities in the amended proposal.

30 (2) If the sponsor of the bill elects not to amend the bill or
31 if the racial impact statement for an amended bill continues to indicate a
32 disparate impact on a minority, the sponsor of the bill shall:

33 (A) Withdraw the bill; or

34 (B) Identify in writing, in the bill and the racial impact
35 statement, his or her reasoning for proceeding with the bill despite the
36 disparate impact.

1 (d)(1) If a Senate or House bill is called up for final passage in the
2 Senate or House of Representatives and a racial impact statement is required
3 by this section and has not been provided by the author of the bill or by the
4 committee to which the bill was referred, the presiding officer of the Senate
5 or House of Representatives shall cause the bill to be referred for the
6 preparation of a racial impact statement, which shall be filed with the
7 presiding officer at least five (5) days prior to the bill again being called
8 up for final passage.

9 (2) The bill shall not be called back up for final action until
10 a racial impact statement has been filed with the presiding officer.

11
12 /s/Elliott
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36



D-Note
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2688/1

RAC:sac/f

stays

LRB-2705/1

RAC

2013 BILL

- regent

- 1 AN ACT *to create* 13.0995 of the statutes; **relating to:** requiring racial impact
2 statements for bills that create a new crime, modify an existing crime, or modify
3 the penalty for an existing crime.

Analysis by the Legislative Reference Bureau

This bill provides that any bill that creates a new crime, modifies an existing crime, or modifies the penalty for an existing crime must have a racial impact statement. The racial impact statement must be prepared by the Director of State Courts ~~with the assistance of the Departments of Justice and Corrections and the Department of Criminal Justice at the University of Wisconsin-Milwaukee.~~ Under the bill, the Director of State Courts may also obtain the assistance of any agency in the executive branch of state government in preparing the racial impact statement.

The bill requires that a racial impact statement include an estimate of the number of criminal cases per year that the bill will affect, the impact of the bill on members of racial minority groups, the effect of the bill on the operations of correctional institutions, and any other matter the director of state courts considers appropriate. In preparing the racial impact statement, the Director of State Courts must also issue a finding as to whether the bill has a disparate impact on members of racial minority groups.

Under the bill, the Legislative Reference Bureau (LRB) must inform the requester that a racial impact statement is required when it submits the draft to the requester. If authorized by the requester, the LRB must provide a copy of the proposed bill to the Director of State Courts for preparation of a racial impact

BILL

statement. The requester may introduce the bill without the racial impact statement, but when such a bill is introduced the LRB must provide a copy of the bill to the Director of State Courts for preparation of a racial impact statement. The racial impact statement must be printed as an appendix to the bill and distributed in the same manner as amendments.

Under the bill, if the Director of State Courts finds that a bill will have a disparate impact on members of racial minority groups, the author of the bill must either offer an amendment to the bill to reduce the disparate impact of the bill on members of racial minority groups or provide in writing his or her reasons for advancing the bill without amendment despite the disparate impact of the bill on members of racial minority groups.

Finally, under the bill, no house of the legislature may pass a bill that creates a new crime, modifies an existing crime, or modifies the penalty for an existing crime without a racial impact statement and without any applicable actions required of the bill's author.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.0995 of the statutes is created to read:

2 **13.0995 Racial impact statements.** (1) Any bill that creates a new crime,
3 modifies an existing crime, or modifies the penalty for an existing crime shall carry
4 a racial impact statement.

5 (2) The racial impact statement shall be prepared by the director of state courts
6 ~~with the assistance of the departments of justice and corrections and the Department~~

7 ~~of Criminal Justice at the University of Wisconsin-Milwaukee.~~ The director of state
8 courts may obtain the assistance of any agency in the executive branch of state
9 government in preparing the racial impact statement. If requested for assistance,
10 an agency shall promptly provide all necessary information to the director of state
11 courts.

12 (3) The racial impact statement shall include an estimate of the number of
13 criminal cases per year that the bill will affect, the impact of the bill on members of

BILL

1 racial minority groups, the effect of the bill on the operations of correctional
2 institutions, and any other matter the director of state courts considers appropriate.
3 In preparing the racial impact statement, the director of state courts shall issue a
4 finding as to whether the bill has a disparate impact on members of racial minority
5 groups.

6 (4) After a proposed bill has been drafted, the legislative reference bureau shall
7 inform the requester if a racial impact statement is required when it submits the
8 draft to the requester. If authorized by the requester, the bureau shall provide a copy
9 of the proposed bill to the director of state courts for preparation of a racial impact
10 statement. The requester may introduce the bill without the racial impact
11 statement, but when such a bill is introduced the legislative reference bureau shall
12 provide a copy of the bill to the director of state courts for preparation of a racial
13 impact statement. The racial impact statement shall be printed as an appendix to
14 the bill and shall be distributed in the same manner as amendments. A bill that
15 requires a racial impact statement shall have the requirement noted on the jacket
16 when the jacket is prepared.

17 (5) If the director of state courts finds that a bill will have a disparate impact
18 on members of racial minority groups, the author of the bill shall do either of the
19 following:

20 (a) Offer an amendment to the bill to reduce the disparate impact of the bill on
21 members of racial minority groups. If the author offers such an amendment, the
22 author shall identify in writing how the amendment would reduce the disparate
23 impact of the bill on members of racial minority groups. The written document shall
24 be distributed in the same manner as amendments.

BILL

(b) Provide in writing his or her reasons for advancing the bill without amendment despite the disparate impact of the bill on members of racial minority groups. The written document shall be printed as an appendix to the bill and shall be distributed in the same manner as amendments.

(6) No house of the legislature may pass a bill that creates a new crime, modifies an existing crime, or modifies the penalty for an existing crime without a racial impact statement prepared under sub. (2) and, if applicable, without an action of the author of the bill under sub. (5).

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2688/1dn

RAC:sac:jf

July 23, 2013

-date-

stays

LRB-2705/1dn

Representative Pasch

Senator Taylor:

This bill is based on an Arkansas bill -- 2013 Senate Bill 1093. I have modified the bill, in part, per your instructions, for reasons of clarity, and in order to conform the language in the bill to Wisconsin drafting conventions. Please review and let me know if you have any questions.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov

I also assigned the Director of State Courts the duty to prepare the racial impact statements, but I can certainly change this and assign the duty to another state agency.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2705/1dn
RAC:sac:jf

July 23, 2013

Representative Pasch:

This bill is based on an Arkansas bill -- 2013 Senate Bill 1093. I have modified the bill, in part, per your instructions, for reasons of clarity, and in order to conform the language in the bill to Wisconsin drafting conventions. I also assigned the Director of State Courts the duty to prepare the racial impact statements, but I can certainly change this and assign the duty to another state agency. Please review and let me know if you have any questions.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov

Champagne, Rick

From: Ludwig, Frederic
Sent: Wednesday, July 24, 2013 4:24 PM
To: Champagne, Rick
Subject: RE: Racial Impact Statements on Legislation

Would like to make a few (hopefully) small changes here, Rick:

- Assign the Joint review committee on criminal penalties to prepare the racial impact statement
- Require that the chairperson shall request the committee to prepare a statement once the bill is introduced

From: Ludwig, Frederic
Sent: Tuesday, July 23, 2013 2:12 PM
To: Champagne, Rick
Subject: Racial Impact Statements on Legislation

Thanks for getting this together, Rick. Will be sure to run by Sandy/other stakeholders and let you know if we have any requested changes.

Cheers,
Fred

--

FRED LUDWIG
OFFICE OF STATE REPRESENTATIVE SANDY PASCH
ASSISTANT DEMOCRATIC LEADER
119 North, State Capitol
608.266.7671 *o*
888.534.0022 *tf*
608.282.3622 *f*



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2705/1 2
RAC:sac:fb

RMR

Sean

2013 BILL

repealed.

AN ACT *to create* 13.0995 of the statutes; **relating to:** requiring racial impact statements for bills that create a new crime, modify an existing crime, or modify the penalty for an existing crime.

Analysis by the Legislative Reference Bureau

This bill provides that any bill that creates a new crime, modifies an existing crime, or modifies the penalty for an existing crime must have a racial impact statement. The racial impact statement must be prepared by the ~~Director of State Courts~~. Under the bill, ~~the Director of State Courts~~ may obtain the assistance of any agency in the executive branch of state government in preparing the racial impact statement.

The bill requires that a racial impact statement include an estimate of the number of criminal cases per year that the bill will affect, the impact of the bill on members of racial minority groups, the effect of the bill on the operations of correctional institutions, and any other matter ~~the director of state courts~~ considers appropriate. In preparing the racial impact statement, ~~the Director of State Courts~~ must also issue a finding as to whether the bill has a disparate impact on members of racial minority groups. ^{no 9}

~~Under the bill, the Legislative Reference Bureau (LRB) must inform the requester that a racial impact statement is required when it submits the draft to the requester. If authorized by the requester, the LRB must provide a copy of the proposed bill to the Director of State Courts for preparation of a racial impact statement. The requester may introduce the bill without the racial impact~~

Joint Review Committee on Criminal Penalties (JRCPP)

JRCPP

BILL

statement, but when such a bill is introduced the LRB must provide a copy of the bill to the Director of State Courts for preparation of a racial impact statement. The racial impact statement must be printed as an appendix to the bill and distributed in the same manner as amendments.

Under the bill, if the Director of State Courts finds that a bill will have a disparate impact on members of racial minority groups, the author of the bill must either offer an amendment to the bill to reduce the disparate impact of the bill on members of racial minority groups or provide in writing his or her reasons for advancing the bill without amendment despite the disparate impact of the bill on members of racial minority groups.

Finally, under the bill, no house of the legislature may pass a bill that creates a new crime, modifies an existing crime, or modifies the penalty for an existing crime without a racial impact statement and without any applicable actions required of the bill's author.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 13.0995 of the statutes is created to read:

2 **13.0995 Racial impact statements.** (1) Any bill that creates a new crime,
3 modifies an existing crime, or modifies the penalty for an existing crime shall carry
4 a racial impact statement.

5 (2) The racial impact statement shall be prepared by the ~~director of state courts~~.
6 The ~~director of state courts~~ may obtain the assistance of any agency in the executive
7 branch of state government in preparing the racial impact statement. If requested
8 for assistance, an agency shall promptly provide all necessary information to the
9 ~~director of state courts~~.

10 (3) The racial impact statement shall include an estimate of the number of
11 criminal cases per year that the bill will affect, the impact of the bill on members of
12 racial minority groups, the effect of the bill on the operations of correctional
13 institutions, and any other matter the ~~director of state courts~~ considers appropriate.

JOINT REVIEW COMMITTEE ON
CRIMINAL PENALTIES

TECCP

More to page 1

BILL

1 In preparing the racial impact statement, the ~~director of state courts~~ shall issue a
2 finding as to whether the bill has a disparate impact on members of racial minority
3 groups.

4 (4) After a proposed bill has been drafted, the legislative reference bureau shall
5 inform the requester if a racial impact statement is required when it submits the
6 draft to the requester. ~~If authorized by the requester, the bureau shall provide a copy~~
7 ~~of the proposed bill to the director of state courts for preparation of a racial impact~~
8 ~~statement. The requester may introduce the bill without the racial impact~~
9 ~~statement, but when such a bill is introduced the legislative reference bureau shall~~
10 ~~provide a copy of the bill to the director of state courts for preparation of a racial~~
11 ~~impact statement. The racial impact statement shall be printed as an appendix to~~
12 the bill and shall be distributed in the same manner as amendments. A bill that
13 requires a racial impact statement shall have the requirement noted on the jacket
14 when the jacket is prepared.

15 (5) If the ~~director of state courts~~ finds that a bill will have a disparate impact
16 on members of racial minority groups, the author of the bill shall do either of the
17 following:

18 (a) Offer an amendment to the bill to reduce the disparate impact of the bill on
19 members of racial minority groups. If the author offers such an amendment, the
20 author shall identify in writing how the amendment would reduce the disparate
21 impact of the bill on members of racial minority groups. The written document shall
22 be distributed in the same manner as amendments.

23 (b) Provide in writing his or her reasons for advancing the bill without
24 amendment despite the disparate impact of the bill on members of racial minority

joint review committee on criminal penalties

BILL**SECTION 1**

1 groups. The written document shall be printed as an appendix to the bill and shall
2 be distributed in the same manner as amendments.

3 (6) No house of the legislature may pass a bill that creates a new crime,
4 modifies an existing crime, or modifies the penalty for an existing crime without a
5 racial impact statement prepared under sub. (2) and, if applicable, without an action
6 of the author of the bill under sub. (5).

7 (END)